

TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference WS 2237.1PCT	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2004/011722	International filing date (<i>day/month/year</i>) 18.10.2004	Priority date (<i>day/month/year</i>) 16.10.2003
International Patent Classification (IPC) or national classification and IPC D01H4/44, D01H1/16, D01H4/00		
Applicant SAURER GMBH & CO. KG		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising: a. <input type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of _____ sheets, as follows: <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-9 _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. 1-5 _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* _____ received by this Authority on _____
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets 1/3-3/3 _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1.	Statement		
	Novelty (N)	Claims <u>1-5</u>	YES
		Claims _____	NO
	Inventive step (IS)	Claims <u>1-5</u>	YES
		Claims _____	NO
	Industrial applicability (IA)	Claims <u>1-5</u>	YES
		Claims _____	NO
2.	Citations and explanations (Rule 70.7)		
1	<p>This report makes reference to the following documents:</p> <p>D1: DE 44 04 503 A1 (W. SCHLAFHORST AG & CO, 41061 MOENCHENGLADBACH, DE) 29 September 1994</p> <p>D2: EP-A-1 054 086 (RIETER INGOLSTADT SPINNEREIMASCHINENBAU AG) 22 November 2000</p>		
2	<p>D1 is considered to be the closest prior art. D1 discloses (the reference in parentheses are to D1):</p> <p>rotor spinning machine comprising a plurality of spin stations (2) which each have an opening roller (41) and a feed roller (39) for feeding silver to the opening roller (41), and which are equipped with control units for individual drives of the feed rollers (column 5, lines 11-31).</p> <p>This rotor spinning machine can be used to make novelty yarns by the selective control of the individual drives of the respective feed roller.</p>		
2.1	<p>Thus the subject matter of claim 1 differs from that known from D1 in that the control units (38)</p>		

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	<p>each have a connection device (39) to which an additional control card (40) for producing novelty yarn with predetermined effects can be connected, said control card comprising a processor which meets the increased computing power demands associated therewith and which can be controlled via a data bus system (41).</p> <p>2.2 The subject matter of claim 1 of the application is therefore novel within the meaning of PCT Article 33(2).</p> <p>3. The problem to be solved by the present invention can be regarded as that of improving a spinning machine in such a way that different novelty yarns can be produced by simple reprogramming of the machine, without the hardware being exchanged.</p> <p>3.1 The characterizing part of claim 1 proposes solving the stated problem by means of an <i>additional</i> control card (40), said card having a processor that <i>can be reprogrammed</i> via a data bus system with data for independently controlling the production of different novelty yarns, and being connected via a connection device (39).</p> <p>3.2 D2 discloses a control system in which exchangeable individual control devices (30A, 30B, 30C) are used which exchange data with central control devices (4) via a bus line (42). These control devices can contain means for optimizing spin settings (column 27, line 50 to column 28,</p>

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	<p>line 6) .</p> <p>3.3 In spite of D2, the solution proposed in claim 1 of the application involves an inventive step (PCT Article 33(3)) because D2 does not sufficiently disclose anything that would make it possible for a person skilled in the art to use the control system of D2 in a spinning machine according to D1 in order to solve the problem stated under point 3.</p> <p>4. Claims 1 to 5 are dependent on claim 1 and therefore also meet the PCT requirements for novelty and inventive step.</p>